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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

**THIS DOCUMENT RELATES TO:**

**PLAINTIFFS' NOTICE REGARDING  
OPEN ISSUES**

*Epic Games Inc. v. Google LLC et al.*,  
Case No. 3:20-cv-05671-JD

Judge: Hon. James Donato

*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

*In re Google Play Developer Antitrust  
Litigation*, Case No. 3:20-cv-05792-JD

*State of Utah et al. v. Google LLC et al.*,  
Case No. 3:21-cv-05227-JD

*Match Group, LLC et al. v. Google LLC et al.*,  
Case No. 3:22-cv-02746-JD

Plaintiff Epic Games, Inc., Consumer Plaintiffs, State Attorneys General Plaintiffs (“Plaintiff States”) and Plaintiffs Match Group LLC et al., (“Plaintiffs” and together with Google, the “Parties”) wish to update the Court on the status of open issues currently pending before the Court, including the Parties’ Joint Proposed Schedule (MDL Dkt. No. 329), the Joint Statement Regarding Google’s Preservation of Instant Messages (MDL Dkt. No. 258) and Epic’s Pending Administrative Motion to Consider Whether Another Party’s Materials Should Be Sealed (MDL Dkt. No. 220). Plaintiffs respectfully request the Court’s rulings on these open issues as soon as practicable.

**1. Joint Proposed Schedule**

At the August 4, 2022 proceedings, the Court discussed case scheduling requests filed by Consumer Plaintiffs, Plaintiff States, and Plaintiffs Match Group LLC et al. In the August 4 Proceedings Minute Entry, the Court stated that it was “inclined to grant a 45-day extension of

all dates” and directed the Parties “to meet and confer, and submit a new proposed schedule.” The Parties met and conferred and jointly proposed a new proposed schedule on August 30, 2022. (MDL Dkt. No. 329.) Because there are several upcoming deadlines in that schedule, including a fact discovery deadline and expert report disclosure deadlines, the Parties will continue to work towards the dates in the proposed schedule while the Court considers the Parties’ proposal.

### **2. Joint Statement Regarding Google’s Preservation of Instant Messages**

In the Minute Entry following the May 12, 2022 Conference, the Court asked the Parties to file a statement regarding Defendants’ alleged destruction of instant messages and to “jointly propose a method of resolution, including a possible evidentiary hearing” and also to include “a proffer from plaintiffs supporting their assertion that Google has engaged in the improper destruction of instant messages”. (MDL Dkt. No. 230.) The Parties filed a Joint Statement Regarding Google’s Preservation of Instant Messages on May 27, 2022, which includes a proposed method of resolution and proffers from Plaintiffs and Defendants. (MDL Dkt. No. 258.)

### **3. Epic’s Pending Administrative Motion to Consider Whether Another Party’s Materials Should Be Sealed**

On April 28, 2022, Epic filed a Notice of Motion and Motion for Preliminary Injunction (MDL Dkt. No. 213) and accompanying Administrative Motion to Consider Whether Another Party’s Materials Should Be Sealed (MDL Dkt. No. 220) (the “Sealing Motion”). On May 24, 2022, Epic and Google jointly emailed the Court requesting guidance as to how to proceed with respect to Epic’s pending Sealing Motion and conveying the parties’ positions.

Dated: September 29, 2022

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Respectfully submitted,

By: /s/ Karma M. Giulianelli

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**E-FILING ATTESTATION**

I, Lauren A. Moskowitz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Lauren A. Moskowitz  
Lauren A. Moskowitz